

**MEMO ENDORSED**

Water mark's request for an extension of the briefing schedule is Granted as follows: moving papers to be served by Feb. 13, 2015; opposition papers to be

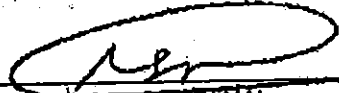
*Law Office of John T. Serio* served by March 16, 2015; 114 Old Country Road Suite 420 and reply papers to be served Mincola, New York 11501 by April 1, 2015. All motion documents shall be filed on April 1, 2015. No further extensions.

January 14, 2015

Dated: Jan. 16, 2015

Via Fax: (914) 390-4179  
The Honorable Nelson S. Roman  
United States District Court  
300 Quarropas St., Courtroom 218  
White Plains, NY 10601

SO ORDERED:

  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE

Re: Hutter v. Countrywide Bank., N.A. et al.  
Civil Action no. 09-CV-10092 (NSR)(LMS)

Dear Honorable Justice Roman,

My office represents the defendant Watermark Capital Inc. (Watermark) in the above referenced matter. This letter is written requesting an extension of time to file a Motion for Summary Judgment on behalf of defendant Watermark. Currently, the motion was to be served upon counsel by January 20, 2015, defendants opposition to be served by February 20, 2015 and replies to be served by March 9, 2015. I have made no prior requests for the extension sought and counsel for all parties have provided their consent for this application. It is my understanding that counsel for Evolution is also making the same application.

As with co-counsel for Evolution, I too am a sole practitioner and have encountered several issues which were not originally anticipated. One such issue involves a client who is an incarcerated defendant in the County Court of Nassau. In that matter, I am scheduled to commence pre-trial hearings before Judge Gerald Carter on January 21, 2015. Although a day later than our original date of service, I will need much of the days proceeding January 21, 2015 to properly prepare for the

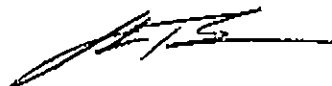
USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/16/2015

hearing. In addition, I suffered from a severe cold last week which kept me from my office for three days and left me with an overflow of work upon my return. Finally, there have been some settlement negotiations with plaintiff's counsel which, if successful, obviate the need for this motion.

Accordingly, it is respectfully requested that Watermarks time to file their motion be extended to February 11, 2015 with defendant's time to serve opposition papers be March 11, 2015 and replies to be served by March 27, 2015.

I thank you in advance for your consideration in this matter. If you should have any questions I can be reached at my office or by cell phone.

Respectfully submitted,



John T. Serio

JTS:is

cc: Stephen A. Katz, P.C.  
111 John Street, Suite 800  
New York, NY 10038  
Fax: 212-349-6407

Zechner Ellman & Krause LLP  
1211 Avenue of the Americas  
New York, NY 10036  
Fax: (212) 753-0396

Janus Law, P.C.  
825 East Gate Boulevard  
Suite 308  
Garden City, NY 11530  
Fax: (516) 320-8949